



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331

<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 31, 2015

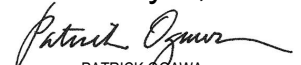
The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

33 May 5, 2015


PATRICK OZAWA
ACTING EXECUTIVE OFFICER

**JOB ORDER CONTRACTS FOR MAINTENANCE,
REPAIR, REMODEL, AND REFURBISHMENT OF
COUNTY INFRASTRUCTURE AND FACILITIES
AWARD JOB ORDER CONTRACTS
1410, 1411, 1415, 1418, AND 1419
ADOPT MARCH 2015 JOB ORDER CONTRACT UNIT PRICE BOOK
AND SPECIFICATIONS
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action will award five separate Job Order Contract Nos. 1410, 1411, 1415, 1418, and 1419 to the apparent lowest responsive and responsible bidders, and authorize the Director of Public Works or her designee to issue work orders for County facilities and infrastructure and act on behalf of the Los Angeles County Flood Control District to issue work orders. This action will also adopt the March 2015 Job Order Contract Unit Price Book and Specifications to be used for future solicitations.

IT IS RECOMMENDED THAT THE BOARD:

1. Find the award of Job Order Contract Nos. 1410, 1411, 1415, 1418, and 1419 exempt from the California Environmental Quality Act for the reasons stated in this letter and in the records pertaining to the Job Order Contracts.

2. Find that New Creation Builders, the apparent lowest bidder on Job Order Contract Nos. 1410, 1411, 1415, 1418, and 1419, is nonresponsive for failing to complete the required Experience Modification Rate history for the Years 2011 and 2012, and reject the bids on these grounds.
3. Award five Job Order Contracts, Nos. 1410, 1411, 1415, 1418, and 1419, to MTM Construction, Inc., the lowest responsive and responsible bidder for each of the contracts, each for a maximum amount of \$4.3 million, and each to be financed through the appropriate maintenance, repair, and refurbishment projects.
4. Authorize the Director of Public Works or her designee to issue work orders for the maintenance, repair, remodeling, and refurbishment of County facilities and infrastructure to MTM Construction, Inc., in the aggregate work order amount not to exceed the maximum amount of each Job Order Contract upon receipt of funding authorization from the Chief Executive Office or the appropriate funding source.
5. Adopt the March 2015 Job Order Contract Unit Price Book and the Specifications that are on file with the Department of Public Works, Architectural Engineering Division, to be used in future solicitations.

ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

6. Authorize the Director of Public Works, in her capacity as the Chief Engineer of the District, to issue work orders for the maintenance, repair, remodeling, and refurbishment of Los Angeles County Flood Control District facilities and infrastructure to MTM Construction, Inc., in the aggregate work order amount not to exceed the maximum amount of each Job Order Contract upon receipt of funding authorization from the Chief Executive Office or the appropriate funding source.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find award of the five Job Order Contracts (JOCs) exempt from the California Environmental Quality Act (CEQA), find that New Creation Builders is nonresponsive and reject its bids on these five separate JOCs, award the five separate JOCs to the lowest responsive and responsible bidder as set forth below, augment Public Works' ability to effectively and efficiently maintain, repair, remodel, and refurbish Los Angeles County and Flood Control District infrastructure and facilities.

Approval of the recommended actions will also adopt the March 2015 JOC Unit Price Book and Specifications for use in future solicitations.

JOC is a flexible, cost-effective unit price contracting method used by Public Works for the maintenance, repair, remodeling, and refurbishment of Los Angeles County and Flood Control District facilities and infrastructure without extensive plans and specifications. The State Public Contract Code provides that JOCs are contracts of a one year duration. Public Works will implement the Board-approved Local Worker JOC Program based on project location in accordance with the intent of the program. As required by State Public Contract Code 20128.5, the proposed JOCs will be used for maintenance, repair, remodeling, and refurbishment or other repetitive work, but will not be used for new construction.

In order to have adequate JOC capacity available on a continuous basis, the aggregate requested amount of JOC authority is \$21.5 million (five JOCs), which includes JOCs for the Department of Public Health Centers' Heating, Ventilation, and Air Conditioning (HVAC) Refurbishment (multiple buildings) project, the LAC+USC Core Lab project, the Fort Moore Memorial Refurbishment, the Harbor UCLA Psychiatric Emergency Room Remodel project, the Harbor UCLA Oil Fill Switches Replacement project, and for other capital and infrastructure projects. This capacity is based on the anticipated need for maintenance, repair, remodeling, and refurbishment projects for County General and Special Fund departments and for the Los Angeles County Flood Control District.

After disqualification of the apparent lowest bidder as nonresponsive, the firm with the lowest responsive and responsible bid is recommended for award of the five JOCs (see the Contracting Process section and Enclosure A for details).

This relatively simple and straightforward JOC process reduces administrative requirements and lowers direct construction costs for maintenance, repair, remodeling, and refurbishments while meeting Federal, State, and County procurement requirements. The JOCs were publicly advertised for bids and will be awarded to the apparent lowest responsive and responsible bidders in accordance with the State Public Contract Code.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1), Community Support and Responsiveness (Goal 2), and Integrated Services Delivery (Goal 3) by increasing the County's ability to manage workload fluctuations in a responsive manner and provide responsive, efficient, and high-quality public service while sustaining essential County services through proactive and prudent fiscal policies and stewardship.

FISCAL IMPACT/FINANCING

Maintenance, repair, remodeling, and refurbishment work will be financed through the appropriate capital, refurbishment, infrastructure, or various operating and special fund(s). For capital projects and refurbishments, no work will be assigned to these JOCs without the prior review and funding verification from the Chief Executive Office (CEO) and the approval of the project scope and budget by the Board.

For Public Works' infrastructure and maintenance projects, no work will be assigned to these JOCs without the appropriate funding authorization.

Public Works will work with the CEO to quantify any administrative costs attributable to the program and present any necessary recommendations for budget adjustments to the Board for approval.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contracts will be in the form previously reviewed and approved as to form by County Counsel. The proposed contracts, JOC Nos. 1410, 1411, 1415, 1418, and 1419 have been solicited on an open-competitive basis and in accordance with applicable Federal, State, and County requirements. The contractors will be in compliance with the CEO's and the Board's requirements.

Award of the contracts will not result in unauthorized disclosure of confidential information and will be

in full compliance with Federal, State, and County regulations.

The contracts will contain terms and conditions supporting the Board's ordinances, policies, and programs, including but not limited to: County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) Programs, Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; and the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

Data regarding the bidders' minority participation will be on file with Public Works.

The contractors will be selected upon final analysis and consideration without regard to race, creed, color, or gender.

The General Conditions, Specifications, and Unit Price Book include the contractual provisions, methods, and material requirements necessary for these contracts and are on file with Public Works.

The State Public Contract Code requires the County to award construction contracts to the Lowest Responsive and Responsible Bidder, which is defined as the firm that: 1) submits the lowest-priced bid; 2) is deemed by the County to be responsive to specific criteria under the solicitation, including but not limited to: licensure, bonding, and insurance requirements; and 3) is determined by the County to be a responsible bidder by demonstrating the attributes of trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the work required under the bid solicitation.

To ensure that the contracts are awarded to the lowest responsive and responsible bidder with a satisfactory history of performance, bidders will be required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractors' State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractors was considered before making a recommendation to award.

Local Worker JOC Program

The Local Worker JOC Program requires contractors to make a good faith effort to employ qualified local residents to perform at least 40 percent of the total construction labor hours. Monitoring of the program will be provided by Public Works' contract administration staff based on review of the JOC worksite and individual labor hours in the local area to determine a percentage of the program hours worked on each of the specific work orders. The contractors will provide certified payroll records for labor forces. These records will be monitored by work order, hours worked, and zip code of the workers to establish the percentage of the program hours to be reported to the Board on a quarterly basis.

ENVIRONMENTAL DOCUMENTATION

The recommended action to award JOCs is categorically exempt from CEQA. JOC projects include repair, maintenance, and refurbishment of existing structures and facilities as requested by County departments, which are generally categorically exempt under Section 15301, Class 1, of the CEQA Guidelines. The proposed work involves either negligible or no expansion of existing use, and any replacement structures will have substantially the same purpose and capacity as structures replaced.

Public Works will file all required Notices of Exemption for each categorically exempt project as required by CEQA. For any work that is not determined to be exempt from CEQA following further assessment, Public Works will return to the Board to recommend approval of the appropriate environmental documentation pursuant to CEQA prior to implementation of applicable work orders under the JOCs.

CONTRACTING PROCESS

On June 18, 2014, using the Unit Price Book and Specifications adopted by the Board on March 5, 2013, Public Works issued and advertised a Notice Inviting Bids for 11 JOC Nos. 1409 through 1419. A copy of the March 2013 Job Order Contract Unit Price Book and the Specifications are on file in Architectural Engineering Division of Public Works. As requested by the Board on February 3, 1998, the invitation for bids was listed on the "Doing Business with Us" website and was posted on the "Public Works Contract Opportunities" website. A copy of the website posting is enclosed as Enclosure B for your reference.

Bids were due on July 16, 2014. Bidders were required to submit a set of cost adjustment factors that would be applied to the unit prices for work in the Unit Price Book. Bids were determined by calculating a composite factor using a predetermined advertised formula.

Public Works received and publicly opened 55 bids on the solicitation for the advertised 11 JOCs. New Creation Builders, the apparent lowest bidder on Job Order Contract Nos. 1410, 1411, 1415, 1418, and 1419 failed to complete the required Experience Modification Rate history for the Years 2011 and 2012. Public Works provided New Creation Builders notice and an opportunity to be heard on the issue of the qualification. On July 29, 2014, Public Works met with New Creation Builders at which time the bidder informed Public Works they do not have the required Experience Modification Rate history for the Years 2011 and 2012. The Bidder agreed with Public Works' proposed recommended action to reject the bids from New Creation Builders as nonresponsive, as set forth above.

The lowest responsive and responsible bidders listed in Enclosure A were deemed the apparent lowest responsive and responsible bidders meeting the criteria adopted by the Board with regard to the respective JOC agreements identified herein. The Unit Price Book and contractors' adjustment factors will be incorporated in the awarded JOCs.

To ensure the contracts are awarded to responsible contractors with a satisfactory performance history, bidders were required to report violations of the False Claims Act, their civil litigation history, and information regarding prior criminal convictions. The information reported by the lowest responsive and responsible bidders listed in Enclosure A was considered before making this recommendation to award the JOCs.

Public Works has evaluated and determined that the Living Wage Program (County Code Chapter

2.201) does not apply to the recommended contracts as these contracts are for non-Proposition A services.

Participation by Community Business Enterprises (CBE) in the project is encouraged through Public Works' Capital Projects CBE Outreach Program and by reporting the good faith efforts of bidders to utilize CBEs.

The contractors will be in compliance with the CEO's and the Board's requirements.

A copy of the March 2015 JOC Unit Price Book and Specifications are on file in Architectural Engineering Division of Public Works, which will be used on future JOC solicitations.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The use of these JOCs will expedite the completion of maintenance, repair, remodeling, and refurbishment of County and Flood Control District facilities and infrastructure work managed by Public Works. Minor impacts to tenant departments may occur while maintenance, repair, remodeling, and refurbishment work on such facilities and infrastructure is underway.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Facilities and Asset Management Division, and the Department of Public Works, Architectural Engineering Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

JQ:dh

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Department of Public Works

March 31, 2015

Enclosure A

**DEPARTMENT OF PUBLIC WORKS:
JOB ORDER CONTRACTS FOR MAINTENANCE,
REPAIR, AND REFURBISHMENT OF COUNTY
INFRASTRUCTURE AND FACILITIES
AWARD JOB ORDER CONTRACTS
SPECIFICATIONS VARIOUS**

Bid Opening Date: July 16, 2014

Bid Summary: JOC No. 1410

<u>Bidder</u>	<u>Total Composite Factor</u>
1. New Creation Builders ^A	0.6975
2. MTM Construction, Inc.	0.7250
3. Ace Engineering, Inc.	0.7500
4. Access Pacific, Inc.	0.8084
5. Mackone Development, Inc.	1.0050

Bid Summary: JOC No. 1411

<u>Bidder</u>	<u>Total Composite Factor</u>
1. New Creation Builders ^A	0.6950
2. MTM Construction, Inc.	0.7250
3. Access Pacific, Inc.	0.8084
4. Ace Engineering, Inc.	0.8100
5. Mackone Development, Inc.	1.0050

Bid Summary: JOC No. 1415

<u>Bidder</u>	<u>Total Composite Factor</u>
1. New Creation Builders ^A	0.7175
2. MTM Construction, Inc.	0.7700
3. Ace Engineering, Inc.	0.8500
4. Access Pacific, Inc.	0.8734
5. Mackone Development, Inc.	1.0050

Non-Selected Bids:

A) Failed to meet the minimum special qualifications and requirements.

Bid Summary: **JOC No. 1418**

<u>Bidder</u>	<u>Total Composite Factor</u>
1. New Creation Builders ^A	0.6975
2. MTM Construction, Inc.	0.7100
3. Ace Engineering, Inc.	0.8000
4. Access Pacific, Inc.	0.8284
5. Mackone Development, Inc.	0.8450

Bid Summary: **JOC No. 1419**

<u>Bidder</u>	<u>Total Composite Factor</u>
1. New Creation Builders ^A	0.6900
2. MTM Construction, Inc.	0.7100
3. Ace Engineering, Inc.	0.8100
4. Access Pacific, Inc.	0.8284
5. Mackone Development, Inc.	0.8450

Non-Selected Bids:

A) Failed to meet the minimum special qualifications and requirements.

Bid Information

Bid Number : AED7739928

Bid Title : Job Order Contract 1409 through 1419

Bid Type : Construction

Department : Public Works

Commodity : CONSTRUCTION SERVICE, GENERAL (DIGGING, DITCHING, ROAD GRADING, ROCK STABILIZATION, ETC.)

Open Date : 6/18/2014

Closing Date : 7/16/2014 1:45 PM

Notice of Intent to Award : [View Detail](#)

Bid Amount : \$ 4,300,000.00

Bid Download : Not Available

Bid Description : The work consists of a broad array of maintenance, repair, remodel and refurbishment of County infrastructure and facilities projects under the direction of Public Works. Public Works will hold a mandatory prebid conference for all JOC bids at 2:00 p.m., July 2, 2014, at 900 South Fremont Avenue, Conference Room B, Alhambra, California 91803, to provide information on the JOC, bidding process, and answer any questions that potential bidders may have. To be considered responsive to this invitation for bid, bidders must attend the mandatory prebid conference. Bids from bidders who do not attend the prebid conference will be rejected as nonresponsive. It is strongly recommended that the prebid conference be attended by a principal of the company or a person authorized to make decisions for the company. The maximum dollar value of each contract is \$4,300,000. JOC Specification Packets and Bid Forms may be downloaded for free from the Los Angeles County Public Works website, or are available for purchase at the Cashiers Office of Public Works. Individual bid sets are \$15, or \$100 for all 11 sets. For further directions, please contact Mr. Mark Martinez with Architectural Engineering Division at (626) 458-2540. [Click here to download documents](#)

Contact Name : Mark Martinez

Contact Phone# : (626) 458-2540

Contact Email : mamartinez@dpw.lacounty.gov

Last Changed On : 6/18/2014 7:26:50 AM

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